

DEC 12 2023

United States District Court  
for the district of Montana  
Missoula Division

Clerk, U.S. Courts  
District of Montana  
Missoula Division

Spencer Gardner  
Plaintiff

23-CV-146-DLC

v.

Notice of interference

Missoula County et al.  
Defendants

The Plaintiff wishes to notify the courts that he has been made aware that legal mail is not being mailed, misdirected, opened by defendants and/or their representatives, and in general interfered with. This has occurred multiple times and is unwritten procedure by the Jail. The procedure is as follows and has been in effect for a long period of time

Legal mail if addressed to the United States District Court will not be placed for mailing with the United States Postal Service but placed in a bin for transfer to the County District Court Clerk, will then be opened, then forwarded to the Russel Smith Courthouse Court clerk.

The County District Court Clerk is a representative of Missoula County whom is a defendant in this action. Mail to the United States District Court is being opened prior to forwarding by the clerk's own admission. This procedure was outlined by SGT. Johnson of Unit 2 of the Missoula County detention facility and when Plaintiff questioned the legality of the procedure SGT. Johnson's response was "Those are our rules"

The plaintiff has since the mailing of his complaint has mailed a notice related to his pending transfer to a treatment facility at which he will have no access to a law library and a copy of his account requested by the clerk which was mailed by the 30<sup>th</sup> of november, an order was received dated the 4<sup>th</sup> of December this was not received.

The plaintiff requires notification if he is in compliance with the Judges order at this time

*Ben Zark*

Signed this 8<sup>th</sup> day of December 2023